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10/535,637

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Declan Patrick Kelly

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SETO, JEFFREY K

ART UNIT

PAPER NUMBER

2458

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05/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/535,637 | Applicant(s) KELLY ET AL. | |
| | Examiner Jeffrey Seto | Art Unit 2458 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11,13,14,21,23-31,33 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13,14,21,23-31,33 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 1,3-5,8-11,13,14,21,24,25,28-31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-11, 13, 14, 21, 23-31, 33 & 38-40 are pending.

Response to Amendment

2. In response to the Amendment filed on 2-26-2009, the rejection of claim 14, under 35 USC 112, has been withdrawn.

Response to Arguments

3. Applicant's arguments filed 2-26-2009 have been fully considered but they are not persuasive. Regarding Applicant's argument that Siah fails to disclose a local database from which additional information regarding the DVD may be obtained. Page 11, lines 20-22, of Siah states, "In the case of the DVD player 112 the local database can be stored in the flash memory 219 or in additional memory for example a hard drive." The paragraphs in Siah, immediately preceding and following the above citation, discuss accessing the local database to find information regarding a DVD.

Regarding Applicant's argument that Siah fails to disclose that the database includes a method for determining a DVD signature. None of the claims include a limitation of determining a DVD "signature". However, assuming applicant is referring to a title identification or unique identifier of a DVD, which can be equated to a DVD signature, Siah discloses a method for determining the DVD signature/identification (See page 11, lines 16-17).

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Claim Objections

4. Claims 1, 3-5, 8-11, 13, 14, 21, 24, 25, 28-31 & 33 are objected to because of the following informalities:

- a. Regarding claims 1, 3-5, 8-11, 13, 14, 21, 24, 25, 28-31 & 33, every instance of "TitleJD" should be changed to "Title ID", as was recited in the original claims.
- b. Regarding claims 10, 11, 14, 30 & 31, every instance of "PVRJD" should be changed to "PVR ID", as was recited in the original claims.
- c. Regarding claims 13 & 14, both claims depend from claim 12, which is a canceled claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 8-11, 13, 14, 21, 23-25, 28-31, 33 & 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by International Patent Application Publication No. WO 02/15024 A1 to Siah, et al. (Siah).

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2. Regarding claim 1, Siah teaches a WebDVD player, comprising: a local database (See page 11, lines 20-22; wherein the database in the flash memory is local to the DVD player) including at least a plurality of universal resource locators (URLs) associated with corresponding ones of a plurality of websites associated with corresponding ones of a plurality of content providers (See page 10, lines 11-19; wherein each of the URLs is a website address and thus is inherently associated with a website), a plurality of expected title identifications associated with corresponding ones of said plurality of content providers (See page 11, lines 18-19; wherein the searched for records are the title identifications) and a list of methods for deriving a title identification (See page 14, lines 20-31 for a first method, and page 15, lines 5-19 for a second method), said methods consisting of at least one of a read operation and an algorithmic operation (See page 11, lines 13-17; wherein the calculation that is made is equivalent to an algorithmic operation); means for deriving a title identification (Title_ID) of a legacy DVD disc, the Title_ID being a unique identifier of a title of the legacy DVD disc, wherein the Title ID is derived in accordance with one of said methods specified in the database (See page 7, lines 19-20; wherein the unique DVD signature is an identifier of the title of the DVD); and means for linking the disc to a related web site based on the derived Title ID (See page 9, lines 24-25).

3. Regarding claim 3, Siah teaches means for determining whether the derived Title_ID matches an expected title identification value indicated in the database that is associated with the specified method (See page 11, lines 18-24; wherein ID's that lead to found records are expected values).

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4. Regarding claim 4, Siah teaches means for retrieving a universal resource locator (URL) in the database that is associated with the expected title identification value if the derived Title_ID matches the expected title identification value (See page 10, lines 3-4).

5. Regarding claim 5, Siah teaches deriving the Title_ID by reading a unique identifier from a pre-selected location of the disc (See page 7, lines 19-21; wherein the C-PBIT is different for every movie, i.e., unique, and the C-PBIT is located in a pre-selected area of the disc).

6. Regarding claim 8, Siah teaches deriving the Title_ID by reading a Volume Set ID in a Universal Disc Format (UDF) file system of the disc (See page 13, lines 14-17; wherein the volume descriptor is the equivalent of volume set ID, and the Universal Disc Format is inherently used).

7. Regarding claim 9, Siah teaches deriving the Title_ID by reading selected data available on the disc (See page 7, lines 19-21).

8. Regarding claim 10, Siah teaches means for retrieving a provider unique identification (PVR_ID) from the disc (See page 13, lines 15-17); wherein the Title_ID is derived based on the retrieved PVR ID of the disc (See page 13, lines 15-17; wherein the Title Information is applicant's Title ID).

9. Regarding claim 11, Siah teaches means for determining whether the retrieved PVR ID matches a corresponding URL in the list (See page 14, lines 10-13); and means for searching through the title identifications in the table that are associated with the corresponding URL for finding a matching Title_ID (See page 13, lines 3-5).

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10. Regarding claim 13, Siah teaches if the derived Title_ID fails to match any expected title identifications in the table, the linking means links the disc to a general web site of a content provider using the corresponding URL (See page 11, lines 26-28, and page 12, lines 7-9).

11. Regarding claim 14, Siah teaches means for accessing a source web site, if the derived Title ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR_IDs and Title_IDs (See page 11, line 26 to page 12, line 4); means for searching a corresponding URL in the source web site database based on the retrieved PVR_ID and derived Title_ID (See page 12, lines 3-9; wherein the DVD information server includes the web site database); and means for linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

12. Regarding claim 21, this claim recites a method for operating the WebDVD player of claim 1, and is rejected for the same reasons.

13. Regarding claim 23, this claim recites a method for operating the WebDVD player of claim 3, and is rejected for the same reasons.

14. Regarding claim 24, this claim recites a method for operating the WebDVD player of claim 4, and is rejected for the same reasons.

15. Regarding claim 25, this claim recites a method for operating the WebDVD player of claim 5, and is rejected for the same reasons.

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16. Regarding claim 28, this claim recites a method for operating the WebDVD player of claim 8, and is rejected for the same reasons.

17. Regarding claim 29, this claim recites a method for operating the WebDVD player of claim 9, and is rejected for the same reasons.

18. Regarding claim 30, this claim recites a method for operating the WebDVD player of claim 10, and is rejected for the same reasons.

19. Regarding claim 31, this claim recites a method for operating the WebDVD player of claim 11, and is rejected for the same reasons.

20. Regarding claim 33, Siah teaches accessing a source web site, if the derived Title_ID does not match any expected title identification in the table, the source web site containing a database which includes a list of universal resource locator (URL) links to related web sites and their associated PVR_IDs and Title_IDs (See page 11, line 26 to page 12, line 4); searching a corresponding URL in the database based on the retrieved PVR_ID and derived Title_ID (See page 12, lines 5-9); and linking the disc to a related web site using the corresponding matching URL (See page 12, lines 23-25).

21. Regarding claim 38, Siah teaches means for periodically updating the database and the table stored by the storing means with information from the source web site (See page 11, lines 26-28).

22. Regarding claim 39, Siah teaches means for caching an address of a website address each time the web site is accessed (See page 4, lines 7-9; wherein the PC inherently includes a cache memory).

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23. Regarding claim 40, Siah teaches means for allowing a user to manually update the database and the table stored by the storing means with new information (See page 11, lines 28-30; wherein user input is required to update the DB; and, page 13, lines 12-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 6-7 & 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siah, as applied to claims 1 and 25 above, in view of Official Notice.

25. Regarding claims 6 & 26, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is the burst cutting area. However, the examiner takes Official Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in the burst cutting area of a DVD, since doing so would have provided a well known, standard, location for the identifier, thereby making the unique identifier easy to find.

26. Regarding claims 7 & 27, Siah teaches the invention as described in claims 1 and 25. Siah does not specifically teach that the pre-selected location on the disc for the unique identifier is a private data sector. However, the examiner takes Official

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Notice that it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to place the unique identifier in a private data sector of a DVD, since doing so would have provided an established and dedicated location for the identifier, thereby making the unique identifier easy to find.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action are now established

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as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Seto whose telephone number is (571)270-7198. The examiner can normally be reached on Monday thru Thursday and alt. Fridays, 9:30 AM-7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on (571) 272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Joseph E. Avellino/

Primary Examiner, Art Unit 2446